

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TRACY MCPHERSON, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

AMERICAN BANK SYSTEMS, INC.

Defendant.

Civil Action No. 5:20-cv-01307-G

LARRY LYLES, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

AMERICAN BANK SYSTEMS, INC.

Defendant.

Civil Action No. 5:21-cv-00023-HE

**DECLARATION OF WILLIAM B. FEDERMAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES,
COSTS, AND SERVICE AWARDS TO REPRESENTATIVE PLAINTIFFS**

I, William B. Federman, pursuant to 28 U.S.C. §1746, declare as follows:

1. I am a founding and Managing Partner of the law firm of Federman & Sherwood, which serves as Liaison Counsel in this matter. I make this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards to Representative Plaintiffs. I have personal knowledge of the matters stated herein and, if called upon, I could, and would, competently testify thereto.

2. My Firm served as local and Liaison Counsel and, in coordination with Class Counsel from Lynch Carpenter LLP and Scott+Scott Attorneys at Law, LLP, participated in the prosecution of this action.

3. This declaration is supported by the accounting records and related material maintained by my Firm and documented in the ordinary course of business, including contemporary recording of time spent on the matter by the Firm's attorneys and support professionals. The detailed daily and task-specific records continue to be maintained by my firm and can be produce in this matter if necessary.

4. The records pertinent to this case were assembled and prepared by my staff and reviewed by me. During my review, I exercised billing judgment and reduced or excluded certain time entries and certain expenses. The rates used in calculating our lodestar are our current customary rates for similar actions, which are determined based on our periodic assessment of the competitive market for similar services. Our rate structure has been approved in connection with numerous fee requests in local courts and other state and federal courts.

5. As a result, I believe the Firm's lodestar, and the expenses for which reimbursement is sought, are reasonable in amount and were necessary for the effective and efficient prosecution of this action. I also believe that the expenses submitted are of a type normally charged to and paid by fee-paying clients and that our rates are reasonable.

6. The chart below is a summary of the time spent by the Firm's attorneys and professional support staff in prosecuting this action:

Name	Title	Hours	Rate/Hour	Total Fees
William B. Federman	Partner	30	\$900.00	\$27,000.00
Molly Brantley	Associate	19.2	\$450.00	\$8,640.00
Robin Hester	Legal Assistant	24	\$250.00	\$6,000.00
Tyler J. Bean	Associate	1.7	\$350.00	\$595.00
Tiffany R. Peintner	Paralegal	0.80	\$250.00	\$200.00
Total		75.7		\$42,435.00

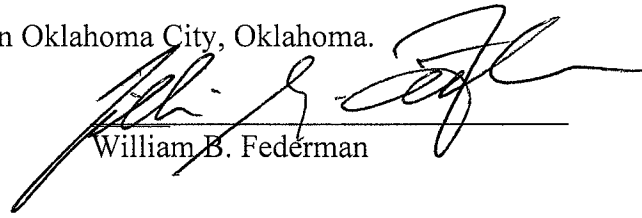
7. In the course of prosecuting this action, my firm also incurred litigation-related costs on behalf of Plaintiffs and the Class. These expenses are documented in the Firm's accounting records maintained and held by the Firm, including records of were prepared from vouchers, credit card receipts, check records, and other source material. After review, it is my opinion that these expenses are typical of litigation, were reasonably necessary to advance progress in the action, and generally could not have been avoided. The expenses were in the following categories and amounts:

Category	Amount
Parking & mileage for court appearances	\$198.26
Postage	\$17.50
PACER	\$71.37
Westlaw	\$393.77
Conference calls	\$12.85
Copying	\$442.50
Filing fees	\$1,204.00
Total	\$2,340.25

8. As further support to demonstrate our qualifications with respect to skill, experience, and reputation of our firm, a recent resume describing our involvement in notable cases is attached Exhibit 1.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this day 16th of June 2022, in Oklahoma City, Oklahoma.



William B. Federman

Exhibit 1

FEDERMAN & SHERWOOD

(An Association of Attorneys and Professional Corporations)

10205 N. PENNSYLVANIA AVENUE
OKLAHOMA CITY, OKLAHOMA 73120
TELEPHONE: 405-235-1560
FACSIMILE: 405-239-2112

212 W. SPRING VALLEY ROAD
RICHARDSON, TEXAS 75081
TELEPHONE: 214-696-1100
FACSIMILE: 214-740-0112

FIRM RESUME

WILLIAM B. FEDERMAN. Education: Boston University (B.A., cum laude, 1979); University of Tulsa (J.D., 1982); Phi Alpha Delta (Treasurer, 1980-1982). Admitted to practice: United States District Courts for the following Districts: Western, Northern and Eastern, Oklahoma; Eastern and Southern, New York; Southern, Northern, Eastern and Western, Texas; Eastern and Western, Arkansas; District of Columbia; District of Colorado; Northern, Ohio; United States Court of Appeals for the following Circuits: First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh and Federal; and United States Supreme Court. Lectures/Publications: “Class Actions, New Rules and Data Breach Cases,” 40th Annual OCBA Winter Seminar 2019; “A Case Study of Ethical Issues in Complex Litigation and Trends in Class Certification,” 39th Annual OCBA Winter Seminar, 2018; “Talkin’ About Insurance Coverage and Complex Litigation: What Every Lawyer and Client Should Know,” 38th Annual OCBA Winter Seminar, 2017; “Securities Litigation: Using Data to Make the Case,” by Bloomberg BNA, 2016; “The Changing Landscape for Prosecution of Financial Claims Involving Insolvent Companies” 37th Annual OCBA Winter Seminar, 2016; “Current Status of Securities Class Actions: Where are the Courts Taking Us?” Houston Bar Association, 2014. “Class & Derivative Actions and Securities Litigation,” 2013 Annual Meeting of the American Bar Association; “Litigation and Employment Law Update,” Securities Industry Association Compliance and Legal Division; “Inside a Disclosure Crisis”, 30th Annual Northwest Securities Institute Annual Meeting and sponsored by the Washington Bar Association; “Managing Directors’ Liability,” 3rd Annual Energy Industry Directors Conference and sponsored by Rice University; “Executive Liability - 2009 D & O Market Trends,” Chartis Insurance; “Derivative Actions and Protecting the Corporation – Critical Issues in Today’s Banking,” Oklahoma Bar Association and the Oklahoma Bankers Association; “Arbitration - What Is It? Why Should a Lawyer Suggest or Use It?,” Oklahoma Bar Association; “The Attorney and Accountant as Targets in Failed Financial Institution Litigation,” American Bar Association Trial Practice Committee; “Effective Arbitration in the 1990’s - Adapting to Build a Successful Practice,” Oklahoma County Bar Association; “Current Issues in Direct Investments and Limited Partnerships: The Litigation Scene From All Perspectives,” American Bar Association Litigation Section; “Stockbroker Litigation and Arbitration,” Securities Arbitration Institute. Author: “Who’s Minding the Store: The Corporate Attorney-Client Privilege,” 52 O.B.J. 1244, 1981; “Potential Liability From Indirect Remuneration in Private Oil and Gas Offerings,” 11 Sec. Reg. L.J. 135, 1983; “Capitalism and Reality Meet in the Courts. . . Finally,” 59 O.B.J. 3537, 1987; “Class Actions, New Rules & Data Breach Cases,” Annual OCBA Winter Seminar, 2019. Membership: Arbitration Panel, New York Stock Exchange; Federal Bar Association; Oklahoma County Bar Association (Committee on Professionalism, 1987-1990; Oklahoma Bar Association (Civil Procedure/Evidence Code, Lawyers Helping Lawyers Assistance Program and Rules of Professional Conduct Committees, 2017-2020); American Bar Association (Committee on Securities Litigation and Corporate Counsel); American Inns of Court (Barrister 1990-1993 and Master 2002-2004); inducted into the Outstanding Lawyers of America, 2003; received the Martindale-Hubbell peer review rating of AV Preeminent in both ethical standards and legal ability; recognized as one of the “Top Lawyers of 2013” for excellence and achievements in the legal community; Litigation Counsel of America (Trial Lawyer & Appellate Lawyer Honorary Society); Oklahoma Bar Association, Rules of Professional Conduct Committee, 2020. Awards/Honors: Securities Litigation and Arbitration Law Firm of the Year in Oklahoma – 2018 (Global Law Experts Annual Awards); Securities Litigation and Arbitration Law Firm of the Year in Oklahoma – 2019, 2020 (Corporate INTL Magazine); Oklahoma Super Lawyers list

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by Thomson Reuters – 2019 (Recognized for Exceptional Service and Outstanding Performance on behalf of the Federal Bar Association (Oklahoma City Chapter) Pro Bono Program – 2018-2019), 2020.

STUART W. EMMONS. (In Memoriam) Education: University of Oklahoma (J.D., 1987, with distinction); University of Oklahoma (B.B.A., Accounting, 1984, with distinction). Admitted to practice: 1987, Oklahoma; 1987, U.S. District Court for the Western District of Oklahoma; 1990, U.S. District Court for the Northern District of Oklahoma; 1992, U.S. Court of Appeals, Tenth Circuit; 1994, U.S. Court of Appeals, Eighth Circuit; U.S. Patent and Trademark Office; 2002, U.S. District Court for the District of Colorado; U.S. District Court for the Southern District of Texas; 2003, U.S. Court of Appeals, Second Circuit; 2004, U.S. District Court for the Northern District of Texas; U.S. Court of Appeals, Fifth Circuit; 2005, United States Supreme Court; 2005 U.S. Court of Appeals, Fourth Circuit; 2015, U.S. Court of Appeals, First Circuit; 2016, U.S. Court of Appeals, Ninth Circuit and U.S. Court of Appeals for the First Circuit. 1988-1989, Law Clerk to the Hon. Layn R. Phillips, U.S. District Court for the Western District of Oklahoma. Published Decisions: *American Fidelity Assurance Company v. The Bank of New York Mellon*, 810 F.3d 1234 (10th Cir. 2016); *Paul Spitzberg v. Houston American Energy Corporation, et al.*, 758 F.3d 676 (5th Cir. 2014); *Patipan Nakkhumpun v. Daniel J. Taylor, et al.*, 782 F.3d 1142 (10th Cir. 2015); Membership: Oklahoma County and Oklahoma Bar Associations.

SARA E. COLLIER. Education: Oklahoma Christian University (B.S. 2000); Oklahoma City University School of Law (J.D. 2004). Admitted to practice: 2005, Oklahoma; 2005, U.S. District Courts for the Western, Eastern and Northern Districts of Oklahoma; 2007, U.S. District Court for the Southern District of Texas; and 2007, United States Court of Appeals for Veterans Claims in Washington, DC. Membership: Oklahoma Bar Association, American Bar Association.

MOLLY E. BRANTLEY. Education: University of Oklahoma (B.A., 2013); Oklahoma City University School of Law (J.D., 2017; Merit Scholar 2014-2017). Admitted to practice: Oklahoma, 2017; United States District Court for the Northern District of Oklahoma; United States District Court for the Western District of Oklahoma, 2020. Membership: Oklahoma Bar Association, Federal Bar Association.

TYLER J. BEAN. Education: University of Oklahoma Michael F. Price College of Business (B.A., 2015); Oklahoma City University School of Law (2016-17; Merit Scholar; Faculty Honor Roll; Dean's List); University of Oklahoma College of Law (2017-19, J.D.; Editor, Oil and Gas, Natural Resources, and Energy Law Journal; Dean's List; Completion of Pro Bono and Public Service 100-Hour Pledge). Admitted to Practice: 2019, Oklahoma; 2020, United States District Court for the Western District of Oklahoma. Experience: In-House Counsel for Hobby Lobby Stores, Inc., 2018-2020. Membership: Oklahoma Bar Association; Oklahoma Bar Association - Business and Corporate Law Section; Oklahoma County Bar Association; American Bar Association; Federal Bar Association; International Council of Shopping Centers ("ICSC"); Language Fluency (English, Spanish).

OF COUNSEL:

JOHN CHARLES SHERWOOD. Education: Texas Christian University, (BBA, magna cum laude, 1981); Baylor School of Law (J.D., 1984). Areas of Practice: Litigation. Board Certified: Civil Trial Law, Personal Injury Trial Law, Texas Board of Legal Specialization. Organizations: Texas Trial Lawyers, Association of Trial Lawyers of America, Dallas Trial Lawyers Association, Dallas Bar Association, Former Chairperson of the Solo and Small Firm Section of the Dallas Bar Association (1999), Member of the College of the State Bar of Texas, and founding President of Citizens For a Fair Judiciary (Political Action Committee). Licenses and Courts of Practice: Member of the State Bar of Texas, National Board of Trial Advocacy, Licensed as a Certified Public Accountant by the Texas State Board of Public Accountancy, admitted to practice before the United States Tax Court, United States District Court, Northern District of Texas, United States Fifth Circuit Court of Appeals, and the United

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States Supreme Court. Papers Presented: *Other People's Money*, Presented to the Dallas Bar Association, Solo and Small Firm Section; Recognition: "Top Attorneys in Texas, Business Litigation," (2012).

CARIN L. MARCUSSEN. Education: United States Air Force Academy (attended 1996-1997); Oklahoma State University (B.S., 2000); University of Oklahoma (J.D. *with honors*, 2003). Admitted to practice: Supreme Court of Oklahoma, 2003; U. S. District Court for the Western District of Oklahoma, 2003; U.S. District Court for the Northern District of Oklahoma, 2004; U.S. District Court for the Eastern District of Oklahoma, 2005; U.S. Court of Appeals for the Tenth Circuit, 2006; U.S. Bankruptcy Court for the Western District of Oklahoma, 2012. Membership: Oklahoma Bar Association (Civil Procedure & Evidence Code Committee; Disaster Relief Committee). Publication: Democracy for Sale: The United States Supreme Court's Decision in Citizens United," *The Advocate*, Spring 2010. Honors: Marquis Who's Who of American Women, 2007; Pro Bono Award, Oklahoma County Bar Association, 2010; President's Award, Oklahoma Association for Justice, 2013; "Rising Star", *Oklahoma Super Lawyers*, 2008, 2009, 2011, 2013, 2014, 2015, 2017.

A. BROOKE MURPHY. Education: Oklahoma City University (B.A. *summa cum laude*, 2005; Robert L. Jones Outstanding Senior Paper Award; Women's Leadership Award); University of Oklahoma College of Law (J.D. 2010, *with honors*; Dean's List; First Amendment Moot Court Team; Assistant Articles Editor of Oklahoma Law Review). Admitted to practice: Oklahoma, 2010; U.S. District Court for the Western District of Oklahoma, 2010; U.S. District Court for the Northern District of Texas, 2010; Tenth Circuit Court of Appeals, 2014; First Circuit Court of Appeals and Ninth Circuit Court of Appeals, 2016. Published Decisions: *Paul Spitzberg v. Houston American Energy Corporation, et al.*, 758 F.3d 676 (5th Cir. 2014); *Patipan Nakkhumpun v. Daniel J. Taylor, et al.*, 782 F.3d 1142 (10th Cir. 2015). Publication: *Credit Rating Immunity? How the Hands-Off Approach Toward Credit Rating Agencies Led to the Subprime Credit Crisis and the Need for Greater Accountability*, 62 Okla. L. Rev. 735 (2010). Membership: Oklahoma Bar Association.

PARALEGALS:

NANCY G. BEATTY. Ms. Beatty has over thirty years of legal experience. She primarily works on coordinating and administrating of class action product liability and other complex litigation. Ms. Beatty has served on several professional advisory boards in Oklahoma and Tennessee.

SHARON J. KING. Ms. King has worked in the legal community for over ten years, after having worked in the securities and insurance industry for over fifteen years. She primarily works on insurance bad faith, personal injury, wrongful death and civil litigation.

FRANDELIND V. TRAYLOR. Ms. Traylor has worked in the legal community for over twelve years. She attended the University of Central Oklahoma, where she majored in liberal arts and was on the Dean's Honor Roll. She provides class action, securities litigation and product liability support for the firm.

TIFFANY R. PEINTNER. Mrs. Peintner has worked in the legal community for over ten years. Before joining Federman & Sherwood, Mrs. Peintner's worked in patent law, oil and gas, probate, banking and real estate, family law, personal injury and insurance defense. She works in securities and civil litigation for the firm.

SELECT CASES WHERE FEDERMAN & SHERWOOD HAS SERVED AS LEAD OR CO-LEAD COUNSEL

SHAREHOLDER DERIVATIVE CASES	COURT
Abercrombie & Fitch Company	USDC Southern District of Ohio
American Superconductor Corporation	Superior Court, Commonwealth of Massachusetts
Antares Pharma, Inc.	USDC District of New Jersey
Arrowhead Research Corporation	Superior Court, State of California, County of Los Angeles
Carrier Access Corporation	USDC District of Colorado
Catalina Marketing Corporation	Chancery Court of the State of Delaware
Cell Therapeutics, Inc.	USDC Western District of Washington
Computer Associates	USDC Eastern District of New York
Delcath Systems, Inc.	USDC Southern District of New York
Dendreon Corporation	USDC Western District of Washington
Doral Financial Corporation	USDC Southern District of New York
Dynavax Technologies Corporation	Superior Court of the State of California; county of Alameda
First BanCorp.	USDC District of Puerto Rico
Flowers Foods, Inc.	USDC Middle District of Georgia
Genta, Inc.	USDC District of New Jersey
GMX Resources, Inc.	District Court of Oklahoma County, Oklahoma
Great Lakes Dredge & Dock Corporation	Circuit Court of Illinois, Dupage County Chancery Division
Host America Corporation	USDC District of Connecticut
Motricity Inc.	USDC Western District of Washington
NutraCea	Superior Court of Maricopa County, Arizona
Nuverra Environmental Solutions, Inc.	Superior Court of Maricopa County, Arizona
Nyfix, Inc.	USDC District of Connecticut
OCA, Inc.	USDC Eastern District of Louisiana
ONEOK, Inc.	District Court of Tulsa County, Oklahoma
PainCareHoldings, Inc.	USDC Middle District of Florida
Seitel, Inc.	USDC Southern District of Texas
Spectrum Pharmaceuticals, Inc.	USDC District of Nevada
The Spectranetics Corporation	USDC District of Colorado
ValueClick, Inc.	USDC Central District of California
Zix Corporation	USDC Northern District of Texas
SECURITIES CLASS ACTIONS	
Amyris, Inc.	USDC, Northern District of California
Bellicum Pharmaceuticals, Inc.	USDC Southern District of Texas
Broadwind Energy, Inc.	USDC Northern District of Illinois
China Valves Technology, Inc.	USDC Southern District of New York
Cryo-Cell International, Inc.	USDC Middle District of Florida
Delta Petroleum, Inc.	USDC District of Colorado
Direxion Shares ETF Trust	USDC Southern District of New York
Ener1, Inc.	USDC Southern District of New York
Exide Technologies	USDC Central District of California
Galena Biopharma, Inc.	USDC, District of New Jersey
Houston American Energy Corp.	USDC Southern District of Texas
Image Innovations Holdings, Inc.	USDC Southern District of New York
IZEA, Inc.	USDC Central District of California
Motive, Inc.	USDC Western District of Texas
Quest Energy Partners LP	USDC Western District of Oklahoma
Secure Computing Corporation	USDC Northern District of California
Superconductor Technologies, Inc.	USDC Central District of California
UTi Worldwide, Inc.	USDC Central District of California
Unistar Financial Service Corp.	USDC Northern District of Texas
MDL PROCEEDINGS	
In re: Anthem, Inc. (Data Breach-Participating Counsel)	USDC, Northern District of California
In re: Equifax, Inc. (Data Breach-Participating Counsel)	USDC Northern District of Georgia
In re: Farmers Insurance Co.	USDC Western District of Oklahoma
In re: Home Depot, Inc. (Executive Committee)	USDC Northern District of Georgia
In re: Premera Blue Cross (Data Breach-Participating Counsel)	USC, District of Oregon
In re: Samsung Electronics America, Inc.	USDC Western District of Oklahoma
In re: Sonic Corp.	USDC Northern District of Ohio
DEAL CASES (MERGERS)	
Easylink Services International Corp.	Superior Court of Gwinnett County, Georgia
Genon Energy, Inc.	Chancery Court of the State of Delaware
Lawson Software, Inc.	Chancery Court of the State of Delaware
Network Engines, Inc.	Chancery Court of the State of Delaware
Paetec Holding Corp. Shareholder Litig.	Chancery Court of the State of Delaware
Williams Pipeline Partners, L.P.	District Court of Tulsa County, Oklahoma
Xeta Technologies, Inc.	District Court of Tulsa County, Oklahoma
ERISA LITIGATION	
Winn-Dixie Stores	USDC Middle District of Florida

CONSUMER CLASS ACTIONS	
Altice USA, Inc. (Data Breach)	USDC Southern District of New York
Brinker International, Inc. (Chili's) (Data Breach)	USDC Middle District of Florida
Bullseye Energy, Inc. (Royalty Owners / Pipeline)	USDC Northern District of Oklahoma
Burgerville, LLC (Data Breach)	Circuit Court, State of Oregon, Multnomah County
Dakota Growers Pasta Company, Inc. (Food Mislabeling)	USDC District of Minnesota/District of New Jersey
Hy-Vee, Inc. (Data Breach)	USDC Central District of Illinois
LeafFilterNorth, LLC/LeafFilter North of Texas, LLC (Data Breach)	USDC Western District of Texas
Lime Crime, Inc. (Data Breach)	USDC Central District of California
Solara Medical Supplies, LLC (Data Breach)	USDC Southern District of California